United Nations S/AC.49/2006/9

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Letter dated 13 November 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Committee

Please refer to your letter dated 1 November 2006 requesting Member States to inform the Security Council on the steps they have taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006). In this regard, I am pleased to submit the national report of Singapore on the implementation of Security Council resolution 1718 (2006) (see annex).

(*Signed*) Kevin **Cheok**
Chargé d'affaires a.i.

06-63757 (E) 121206

Annex to the letter dated 13 November 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Committee

1 Singapore supports United Nations Security Council Resolution 1718 imposing sanctions on the Democratic People's Republic of Korea. In this regard, Singapore has the relevant legislative framework that will enable us to meet our obligations under Resolution 1718.

National legislative measures

2 Singapore has in place various legislative measures to impose the sanctions stipulated under Resolution 1718. These are the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the Arms and Explosives Act, the United Nations Act, the Monetary Authority of Singapore Act, the Merchant Shipping Act and the Immigration Act.

3 Through these legislative measures (to be described in greater detail below) Singapore is able to implement the various provisions of Resolution 1718 in the following manner:

OP 8(a) – through a combination of the United Nations Act, the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the Arms and Explosives Act and the Merchant Shipping Act;

OP 8(b) – through a combination of the United Nations Act, Regulation of Imports and Exports Act and the Merchant Shipping Act;

OP 8(c) – through the United Nations Act;

OP 8(d) – through a combination of the United Nations Act and the Monetary Authority of Singapore Act; and

OP 8(e) – through the Immigration Act.

Strategic Goods (Control) Act

4 As part of its efforts to help curb the proliferation of weapons of mass destruction, Singapore implemented in January 2003 a robust and enhanced export control system that would support global efforts to curb the proliferation of weapons of mass destruction. The Strategic Goods (Control) Act regulates the export, re-export, trans-shipment and transit of goods related to weapons of mass

destruction, as well as controls on brokering and Intangible Transfers of Technology (ITT), which is a unique feature yet to be implemented in many export control systems in the world. Most importantly, there is a catch-all provision that allows Singaporean authorities to enforce export control laws on items that are intended for weapons of mass destruction end use but have not been included in the control list. Wide powers are also given to law enforcement officers for arrest, search and seizure. The Act imposes heavy penalties for parties involved in transferring or brokering the transfers of strategic goods or technology. A first-time offender can be subjected to a maximum fine of S$ 100,000 (or even more, depending on the value of the goods or technology concerned) or a maximum sentence of two years' imprisonment, or both.

5 Singapore Customs is the National Authority for the implementation of the Strategic Goods (Control) Act. Singapore Customs processes all permit applications, registers and audits arms brokers, conducts industry outreach and public awareness programmes and enforces the Act and its Regulations on violations of strategic goods control. Enforcement is based on both timely and reliable intelligence and risk management assessment.

6 Singapore is continually monitoring its system and will make further refinements to it, be they in terms of control lists or procedures, where necessary. In this regard, Singapore has decided to expand our strategic goods control lists to include all items from the four multilateral non-proliferation regimes - the Australia Group, the Wassenaar Arrangement, the Nuclear Suppliers Group and the Missile Technology Control Regime - with effect from January 2008. Singapore Customs has been conducting regular outreach sessions to educate industries on the Singaporean strategic goods control system. Participants are reminded of the need to exercise due diligence, particularly with regard to goods originating from or destined to the countries and entities that are listed in the lists compiled under the relevant Security Council resolutions.

7 Specifically, the Strategic Goods (Control) Act allows Singapore to implement the sanctions at paragraph 8(a)(i) and 8(a)(ii) of Resolution 1718 by controlling the export, re-export, trans-shipment and transit of items specified in these paragraphs to the DPRK, through our territories, or of any other items that could contribute to the DPRK's nuclear related, ballistic missile-related or other WMD-related programmes.

Regulation of Imports and Exports Act

8 The Regulation of Imports and Exports Act and its Regulations provide the framework under which Singapore regulates and controls general imports and exports. It also regulates controls on countries under Security Council embargo

and certification of the Import Certificate and Delivery Verification system which regulates controlled items from originating countries for end-users in Singapore.

9 Specifically, the Regulation of Imports and Exports Act and Regulation will allow Singapore to implement the sanctions at paragraph 8(a) and 8(b) by controlling the import and export of items specified in these paragraphs.

Arms and Explosives Act

10 The Arms and Explosives Act provides the framework for Singapore to regulate the manufacture, use, sale, storage, transport, importation, exportation and possession of any arms and explosives in the implementation of OP8(a) of the Resolution.

United Nations Act

11 The UN Act was enacted in October 2001 to enable the Singapore Government to give effect to binding decisions of the United Nations Security Council through secondary legislation, in areas not covered by existing legislation, without the need to enact additional primary legislation. Regulations made under this Act have force of law and entail criminal penalties, notwithstanding anything to the contrary in any other law apart from the Singapore Constitution. These Regulations apply to all persons and entities in Singapore and Singapore citizens outside Singapore.

12 A new Regulation under the United Nations Act, currently in draft form, will criminalise the supplying, selling or transferring to the DPRK, whether directly or indirectly, of any of the items in OP 8(a) of the Resolution by persons or entities in Singapore and, Singapore citizens outside Singapore or by using Singapore flagged vessels or aircraft. The Regulations will also implement OP 8(b) by criminalising the procurement of the items referred to in OP 8(a)(i) and (ii) from the DPRK by Singapore nationals or using Singapore flagged vessels or aircraft. Criminal penalties will be imposed for the breach of OP 8(c) by any persons or entities in Singapore or Singapore nationals outside Singapore. The Regulation will also impose an asset freeze on all relevant assets covered under OP 8(d), other than assets in the hands of financial institutions, once the List of persons or entities subject to OP 8(d) has been issued by the Committee. Assets in the possession of financial institutions will be frozen pursuant to Regulations made under the MAS Act - see next section.

Monetary Authority of Singapore Act

13 Under section 27A of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore may issue MAS Regulations to request financial institutions to comply with Singapore's obligations under the United Nations Security Council Resolutions. Therefore, any persons or entities that are blacklisted by the UNSC will be treated as such for the purposes of asset freezing and other related measures. Any financial institution found to be in breach of the MAS Regulation will be guilty of an offence and be liable on conviction to a fine.

14 Specifically, section 27A of the Monetary Authority of Singapore Act allows Singapore to implement the asset freezing measures in OP 8(d) once the Security Council Committee established pursuant to the Resolution issues the list of designated persons or entities.

Merchant Shipping Act

15 Under section 43 of the Merchant Shipping Act, the Maritime Port Authority of Singapore may close the registry of a Singapore ship and cancel its certificate of registry. This statutory provision may be invoked in appropriate cases to enforce the relevant portions of Security Council Resolution 1718. In order to inform and remind our shipowners of Singapore registered ships to observe the sanctions, the Maritime and Port Authority of Singapore has issued a Shipping Circular for their compliance.

Immigration Act

16 The Immigration Act sets the legal boundaries for the movement of persons into and out of Singapore. Under Section 7 of the Immigration Act, no one has an automatic right of entry into Singapore apart from Singapore citizens. Under Section 6, foreign visitors to Singapore have to be issued with a valid pass before they are allowed entry. As part of the entry procedures, they are screened against the Immigration & Checkpoint Authority's blacklist database during entry clearance. Persons so designated by the Committee established under the Resolution or by the Security Council can be denied entry and returned to their last port of embarkation in accordance with international practice.

International cooperation

17 In addition to the legislation described above, Singapore is also an active participant in various multilateral operational arrangements that enhance its efforts to counter any possible proliferation of weapons of mass destruction, thereby complementing our efforts to undertake cooperative actions under OP 8(f) of

Resolution 1718. The first is the Container Security Initiative (CSI) which was designed to protect containerised shipping from exploitation for weapons of mass destruction trafficking. Singapore was the first Asian country to sign the Declaration of Principles for CSI with the United States on 20 September 2002. Under CSI, containers destined for ports in the United States may be selected for checks in Singapore ports using the Vehicle and Cargo Inspection System for weapons of mass destruction. As part of the CSI effort, Singapore has introduced new equipment like radiographic scanners into two of our port terminals. Its port authorities also organised several dialogue sessions involving major shippers, shipping lines, logistics companies and the United States Customs Service to discuss CSI and related initiatives. CSI screening commenced on 17 March 2003.

18 The second is the Proliferation Security Initiative (PSI), a multinational initiative aimed at preventing the proliferation of WMDs, their delivery systems, and related materials at sea, in the air or on land, in a manner consistent with national legal authorities and relevant international laws and frameworks. Singapore joined the PSI Operational Experts Group (OEG) in December 2003. Since then, Singapore has participated actively in PSI plenary and OEG meetings, as well as in various PSI exercises. Singapore also hosted a PSI maritime interdiction exercise in August 2005 and an OEG meeting in July 2006. Singapore's participation in PSI is overseen by an inter-ministry committee chaired by the Ministry of Foreign Affairs, and comprising the Ministries of Defence, Home Affairs, Trade & Industry, and Transport, as well as the Attorney-General's Chambers and Singapore Customs.

13 November 2006